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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/734,199 | 12/15/2003 | Hee-Dong Kim | 053933-5061 | 4801 |

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EXAMINER

DINH, JACK

ART UNIT PAPER NUMBER

2873

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/734,199

Applicant(s)

KIM ET AL.



Examiner

Jack Dinh

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 is/are allowed.
- 6) ☒ Claim(s) 2,4,6,7,9 is/are rejected.
- 7) ☒ Claim(s) 3,5 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: DETAILED ACTION.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claim 4 is rejected under 35 U.S.C. 102(e) as being unpatentable by Takeuchi (US Patent Publication 2003/0063551).

Regarding claim 4, Takeuchi (figure 5, paragraph 0096 and 0097) is interpreted as disclosing an optical pickup device comprising a light emitting element **11** for emitting two or more light beams having different wavelengths, an objective lens **20** for converging the light beams emitted from the light emitting element onto an optical disk **D1**, a light receiving element **23** for receiving light beams reflected by the optical disk, a beam splitter **21** installed at an optical route between the light emitting element and the objective lens, and an achromatic prism **17** installed at an optical route between the light emitting element and the beam splitter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeuchi (US Patent Publication 2003/0063551).

Regarding claim 2, Takeuchi (figure 5, paragraph 0096 and 0097) is interpreted as disclosing a light emitting element module 10E comprising a light emitting element 11 for emitting two or more light beams 11a and 11b having different wavelengths, an achromatic prism 17 installed in front of the light emitting element, wherein the light emitting element and the achromatic prism are combined into a single package 10E. Takeuchi is interpreted as disclosing all the claimed limitations except for a holder for holding the light emitting element and the achromatic prism. However although Takeuchi does not explicitly disclose a holder or using the language claimed to describe this feature, Takeuchi (figure 5, paragraph 0095) clearly discloses the teaching of a light emitting element 11 and the achromatic prism 17 being integrated as a single light source unit 10E. Given such teaching, it would have been obvious to one skill in the art to place all these components on the same platform or holder. Therefore, it would have been obvious to one having ordinary skill in the art at the time that the invention was made to provide such holder, for the purpose of keeping the relative angle between the light emitting element and the prism unchanged, or reducing the overall number of components throughout the module.

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Regarding claim 7, Takeuchi (figure 5, paragraph 0096 and 0097) is interpreted as disclosing a light emitting element module **10E** comprising a light emitting element **11** for emitting two or more light beams **11a** and **11b** having different wavelengths, an achromatic prism **17** installed in front of the light emitting element, wherein the light emitting element and the achromatic prism are combined into a single package **10E**, an objective lens **20** for converging the light beams emitted from the light emitting element onto an optical disk **D1**, a light receiving element **23** for receiving light beams reflected by the optical disk, a beam splitter **21** installed at an optical route between the light emitting element and the objective lens, and an achromatic prism **17** installed at an optical route between the light emitting element and the beam splitter. Takeuchi is interpreted as disclosing all the claimed limitations except for a holder for holding the light emitting element and the achromatic prism. However although Takeuchi does not explicitly disclose a holder or using the language claimed to describe this feature, Takeuchi (figure 5, paragraph 0095) clearly discloses the teaching of a light emitting element **11** and the achromatic prism **17** being integrated as a single light source unit **10E**. Given such teaching, it would have been obvious to one skill in the art to place all these components on the same platform or holder. Therefore, it would have been obvious to one having ordinary skill in the art at the time that the invention was made to provide such holder, for the purpose of keeping the relative angle between the light emitting element and the prism unchanged, or reducing the overall number of components throughout the module.

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3. Claims 6 and 9 are rejected under 35 U.S.C. 102(e) as being unpatentable by Takeuchi (US Patent Publication 2003/0063551), as applied in claims 4 and 7, in view of Takeda (US Patent 6,489,599).

Regarding claims 6 and 9, Tekeuchi is interpreted as disclosing all the claimed limitations as described above, except that the beam splitter is a flat beam splitter. Within the same field of endeavor, Takeda (figure 1B) discloses an optical pickup device that uses a flat beam splitter 4 (col. 4, lines 19). Therefore, it would have been obvious to one having ordinary skill in the art at the time that the invention was made to use the flat beam splitter, for the purpose further reducing the size of the optical pickup device due to the slim profile of the flat beam splitter.

Allowable Subject Matter

4. Claim 1 is allowed. Claims 3, 5 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Regarding independent claim 1, the prior art fails to disclose an achromatic prism having a front end made of a flint glass and a rear end made of a crown glass wherein the light beams having different wavelengths incident onto the front end surface are refracted so that optical axes of the light beams coincide, and are then emitted from the rear end surface. Dependent claims 3, 5 and 8 are directed to achromatic prisms, all of which include the novel limitations as described above.

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Response to Arguments

5. Applicant's arguments, filed 12/22/04, with respect to the rejections of claims 1-9 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Takeuchi (US Patent Publication 2003/0063551).

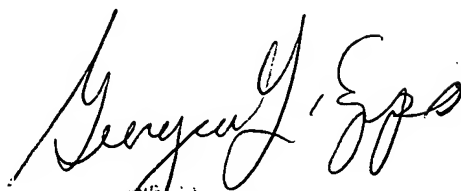
Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Dinh whose telephone number is 571-272-2327. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jack Dinh


Georgia Y. Epps
Supervisor
Technology Center 2800